

MEETING OF THE CALIFORNIA STATE BOARD OF FOOD AND AGRICULTURE

(ALL MEETINGS OPEN TO THE GENERAL PUBLIC)

Location: Hilton Garden Inn - Monterey
1000 Aguajito Road
Monterey, CA 95814

Contact: Helen Lopez
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MEETING MINUTES FOR APRIL 25, 2007

Item
No.

(1) CALL TO ORDER

- (a) The meeting was called to order Wednesday, April 25, at approximately 9:00 a.m. Al Montna, President of the State Board of Food and Agriculture presiding.
- (b) Welcoming remarks provided by Al Montna.
- (c) Pledge of Allegiance.

(2) ROLL CALL

Roll call taken by Helen Lopez, Executive Director. A quorum was present.

Present:

Ann Bacchetti-Silva	Tom Deardorff	William Moncovich
Wayne Bidlack	Reg Gomes	Al Montna
Ashley Boren	Marvin Meyers	Adan Ortega

Absent:

Donald Bransford	Luawanna Hallstrom	Karen Ross
Drue Brown	Craig McNamara	

(3) APPROVAL OF MINUTES – March 28, 2007

MOTION: Board Member Tom Deardorff moved to approve the minutes of the March 28, 2007 meeting. The motion was seconded by Board Member Bill Moncovich and a unanimous vote carried the motion.

(4) OPENING REMARKS AND INTRODUCTION

President Montna welcomed everyone to the meeting and thanked Bill Moncovich for his assistance in coordinating this important discussion on food safety and for organizing the tour of the Fresh Express Processing Plant on Tuesday, April 24.

Mr. Eric Lauritzen discussed the September 2007 outbreak of e-coli in leafy greens and briefed the Board on efforts of the county and industry to resolve the outbreak at its source. Representative Sam Farr is very supportive of the Spinach industry; however, compensation was not supported by the Senate. There is also concern for the Light Brown Apple Moth and encourages HR 667 “Early Pest Detection Act” be included in the farm bill.

Secretary A G Kawamura and President Montna presented Reg Gomes with a resolution commemorating a distinguished 40 year career and his understanding leadership in the academic and agricultural communities. They also commended his service as a State Board Member for the past ten years.

Secretary Kawamura welcomed the speakers and audience to this important discussion on food safety. He commended the excellent leadership demonstrated through the recent spinach outbreak and the completion of the leafy green marketing agreement/order. The Secretary expressed concern that the message of the country’s commitment to provide a safe and reliable food supply is not being communicated to the public. The public needs to understand that the infrastructure we have in place is an ongoing, ever evolving effort toward a safe food supply based on the science that we have. E.coli problems and contaminates getting into the food supply are a risk that we will deal with again simply because there are so many unknowns. The secretary recommends conducting a public relations event to communicate to the public how safe our food supply is and to coordinate this as an educational event demonstrating the good agricultural practices of farmers, processors, and retailers partnering with scientific research. The public needs to be made aware of the excellent traceability system in place. And, that if (when) an event occurs, we can trace it back to the farm.

The Secretary closed his opening remarks by reiterating the Farm Bill promotes the environment and good health.

ACTION ITEMS:

- Drought resolution will be completed and presented to the Board for approval at the May Meeting.
- The Farm Bill Task Force will be chaired by Tom Deardorff and Don Bransford and recommendations of who will participate in the task force will be presented at the May Meeting.
- The Blue Ribbon Task Force will be chaired by Ann Bacchetti-Silva and the Board will recommend a list to review the future of the Dairy Quota Program at today’s meeting.

(5) PRESENTATIONS BY GUEST SPEAKERS

Abasiofiok Mark Ibekwe Ph.D, Microbiologist, USDA-ARS-USSL

Dr. Ibekwe provided the Board with a copy of his PowerPoint presentation outlining scientific research activities on food safety.

Cases of E-coli 0157:H7 Outbreaks include:

- Jack-n-the-Box 1993
- The Sizzler restaurant in Oregon in 1993
- McDonald outbreak in 1993
- Walker town – Canada outbreak from drinking water wells near a dairy farm in 2000
- Salinas Valley in 2006

Cattle are the primary carrier but they do not get sick. There are two major mechanisms for transmission of E-coli 0157:H7 (Bad E-coli strain) to humans:

- Meat contamination at abattoirs; amplified by improper storage or cooking (including hamburger) at processing.
- Fecal adulteration of lands used for agricultural purposes by domesticated and/or wild animals. Source of contamination of fresh produce through contaminated irrigation water and contamination of rivers and lakes due to fecal runoff from pastures.

Dr. Ibekwe briefed the Board on the March 21, 2007 final report “Investigations of an Escherichia coli 0157:H7 Outbreak Associated with Dole Pre-Packaged Spinach”, available at: <http://www.dhs.ca.gov/fdb/HTML/Food/EnvInvRpt.htm>.

This report encompasses:

- Sampling for E.coli 0157:H7 in the Salinas Valley Watershed (initiated by J. Farrar, CDHS)
- E-coli and Spinach 2006
- Potential Environmental Risk Factors for E.coli 0157:H7 during the outbreak
- Recommendations after an E.coli outbreak
- Lessons learned

Current efforts and Next steps:

- Field experiments with different management practices to determine survival and persistence of E.coli 0157:H7
 - Conventional verses organic practices
 - Fumigated (vapam) verses nonfumigated soil
 - Impact of antagonistic organisms in soil
- Participate in grant/study for funding to look for 0157:H7 in water and soil in the Salinas Valley.

Melanie Beretti, Project Manager, Resources Conservation District of Monterey County

Ms. Beretti indicated that the balance between ranchland, houseland, and cropland create challenges for our growers. There are laws to protect wetlands, habitat, species, etc. with a growing concern for how to protect people. Food safety & conservation is relatively new and interdisciplinary. Research is limited and slow to provide answers. Science cannot provide 100% certainty. Many of these studies are site specific and have not focused on leafy greens.

Sources of human pathogens – Zoonoses – animals are the reservoirs. Vectors for contamination are water, air, and animals.

Water & sediment basins - farmers to capture water and keep it from going downstream and provide flood mitigations to trap the pathogens. The risk to food safety in trapping pathogens is the potential of animal attraction. Wetlands (natural & constructed) provide important water clearing and vegetation is critical.

Air – it is known that these pathogens are airborne and farmers plant vegetation to minimize dust with windbreaks and hedgerows.

Animals – fecal deposition – it is improbable that we will ever know which animal carry these pathogens and provide the most risk. Animals associated with livestock and/or human waste typically show higher prevalence of pathogens. Species in high (or unnatural) densities and commensurable species typically pose a greater threat. But, neither prevalence nor density alone indicate a significant risk to food safety.

To balance food safety & environmental protection we need to:

- Weigh relative risks and minimize those risks
- Provide clarity, consistency, and standardization in food safety audits – what practices are acceptable and what are not to give grower guidelines.

We really can't expect zero risks, we need to figure out how to handle and detect the risks.

Dr. Michael Payne, Director of California Dairy Quality Assurance Program –

Dr. Payne is also the outreach coordinator for the Western Institute for Food Safety and Security. He indicated:

There have been three e-coli outbreaks linked to California produce:

- Aug/Sept-26 state outbreaks linked to fresh bagged spinach from “Natural Selections”, resulting in 199 illnesses and 3 deaths.
- Nov/Dec – 5-state outbreak linked to lettuce resulting in 71 illnesses and no deaths.
- Nov/Dev – 3-state outbreak linked to lettuce resulting in 81 illnesses and not deaths.

These were followed by a raw milk outbreak that heightened consumer awareness of e-coli in general. The East Coast is dealing with similar levels of contamination of salmonellosis in tomatoes.

Since the early 1980's, certain types of e-coli cause kidney failure, bleeding and diarrhea. Unlike ordinary e-coli, the strain 0157:H7 has extra genes that stick to the walls of the intestine and produce the virulent Shiga toxin and can eventually lead to renal failure. Some say this pathogen is million of years old, others say it didn't exist prior to 1980. Once exposed, it takes 3 to 4 days to become ill and it is known that only 1 in 20 cases is actually reported. The genetic fingerprint that caused the spinach outbreak was very small but very toxin, which is not common. Promoting coordinated management of water quality protection and food safety initiatives in California vegetable production is described by Researchers as data rich for water quality and poor for food safety. More research is needed. There is some concern that tail waters and settling basin could harbor or cause an increase in concentration of O157 (e-coli).

Dr. Payne endorses the Leafy Green Market Agreement – commodity specific food safety guidelines for the lettuce and leafy green supply chain. An assessment in terms of proximity to livestock operations is important. An assessment for flooding is also important. A site by site evaluation of irrigation water will be important to ensure we aren't using water that is in direct contact with manure.

Dr. Payne reported that the Western Institute for Food Safety and Security (WIFSS) vision is to be the world's premiere research institute and provided the Board with an overview of its management team and research section. WIFSS will also provide training classes to farmers to help them deal with e-coli pathogens. WIFSS has created and is distributing public relation material to get the word out to consumers and is happy to partner with other efforts.

ACTION ITEM: Secretary Kawamura requested that WIFSS produce a 3 to 4 minute media sound bite that condenses this state-of-the-act food safety metrics into a very simple message that could be broadcasted at the State and National level.

Edward Burton, State Conservationist, Natural Resources Conservation Service

As State Conservationist, Ed Burton is committed to conserving the land through partnerships with producers and farmers. He indicated the primary mission of the Natural Resources Conservation Service (NRCS) is to help farmers, ranchers and other land owners in the country plan and apply good sound conservation systems to ensure they have environmental sustainability to stay in business while protecting wildlife, water quality, air quality and all other resources issues of concern.

In review of WIFSS's Leafy Green Research and Outreach Initiative metric and processes, he believes this has been well thought out and is compatible with good sound resource conservation practices. Monterey County is the leader for conservation and there is a lot of interest in what happens in the environment. A conservation agreement was developed to achieve permit coordination and certain types of conservation practices where producers could go to a resource conservation district to confirm compliance.

NRCS (as an agency) believes that conservation, environment, agriculture, and economic sustainability go hand in hand to promote:

- Viability
- Environmental stewardship
- Social, good neighbor policies

Food safety is important as we move forward in a positive manner and work together on how to apply these three factors. The metrics will allow food safety while ensuring that producers have the very best science, best information and that the perception can be dealt with within realities and where we have the interface of the unknown the appropriate research is in place to address this.

Ed Burton provided to the Board a written synopsis for food safety and environmental protection in relation to the recent outbreak of e-coli 0157. He also distributed NRCS' publication: "Trends in Conservation".

Gale Prince, Director of Regulatory Affairs, The Kroger Company

Mr. Prince indicated that the produce industry has seen many changes and the way produce is delivered has also changed and with this is some opportunities. E-coli was the number one new story throughout last year. The media has used food safety as a key story and a way to get information to consumers.

The Gallup poll on March 15, listed Iraq as the public's number one concern, terrorism is number two. The food marketing institute & consumer research data of 2005 illustrates the consumer spends 10 percent of take home dollars for food expenditures and 60 percent of food expenditures are consumed in the home. Consumers visit the supermarket 2.2 times per week and the supermarket is the top destination for food purchases. The quality of produce is the determining factor in choosing a supermarket and the other key drivers are the quality of meat and cleanliness of the store. Health risks perceived as serious by consumers is contamination by bacteria and pesticide residues. Analytical data of pesticide in fruits and vegetables verifies there is no risk, resulting in consumer misconception. Another concern for the consumer is product tampering and terrorist attack on our food supply. Consumers believe food safety problems are most likely to occur in processing plants, restaurants or in the home. Only 1 percent of consumers polled believe food safety problems begin with the farmer.

The Wall Street Journal's Harris Health Poll conducted in January 2007 reported that 13 percent of household's had gotten sick from food but only 4 percent of these illnesses were reported to local health agencies. 95 percent of food safety warnings and product recalls are acted on by consumers. A major concern for producers is that 15 percent of these consumers reported they would stop using a product entirely if it were recalled.

This is an era of rapid change in food industry and food safety. There are 25 new pathogens identified in the past 25 years. These pathogens reproduce very fast and have the ability to adapt and change. There is new science in the way of DNA fingerprinting. The center for disease control has food net sites across the country that monitors activity in emergency rooms of various hospitals. This covers 15 percent of US population. Fingerprint technology "Pulse Net" and "Outbreak Net" provides for a multi team of professionals communicating instantaneously. As challenges go ahead and food borne disease investigation expertise continue to get better, there is the potential for increased recalls and the attention by media, and congressional oversight in terms of food safety will have its impact.

Food safety is a shared responsibility, the food industry has a legal responsibility; but more importantly, is the moral responsibility to protect and serve the consumer. We applaud the work that has been going on with the Western Growers and the United Fresh Produce Association in the recent months as we move forward. The metric may not be perfect but they are a big step forward to address basic food safety needs that are in place.

The food safety standards cannot be limited to just leafy greens, we need one standard that is consistent and applicable to all products grown and imported into the United States. It needs sufficient oversight by the federal government to be credible to the public and it must be based on good science. The marketing agreement developed in California is an excellent start and needs to be shared with other states and internationally. The Kroger expectation is safe products that follow good agricultural practices (GAP) and good manufacturing practices (GMP). We must meet consumer expectations.

Jim Lugg, Fresh Express, Executive Vice President for Food Safety, Quality & Research
Mr. Lugg indicated that Fresh Express philosophy is built around its supply chain. The supply chain starts with choosing a piece of dirt to grow raw product and through the manufacturing process produces over a 100 million cases of product a year. These finished goods are then delivered by the nation's largest fresh produce logistics system. Fresh Express controls the product through to the distribution center that includes Fresh Express' end to end integration where each step of the process has a food safety component to it. Fresh Express has been cutting lettuce for the food service market since 1978.

Fresh Express raw product innovation for efficiencies includes:

- Core in the field. Using proprietary wash and harvest system to remove the core of iceberg and romaine heads in the field, before cooling and shipping to the plants.
- A proprietary automated salad line was developed and implemented in Salinas, to deliver tremendous efficiency improvements on highest volume.
- Pioneering manufacturing technology enabling freshest, highest quality production of all tender leave products.
- Fast field to finished goods that is measured in hours from shipping point to delivery.
- Closed loop fresh fulfillment network.

Fresh Express is very concerned about its workforce and housing. The population (per square mile) in Salinas is much more dense than that of Manhattan in New York and this is the living

condition of the east side of Salinas and this is where the workforce is. They want to be a part of the housing solution and the guest worker program. Monterey County does not have a general plan in place and one needs to be developed to protect its agricultural base and limited irrigated acreage.

ACTION ITEM: Secretary Kawamura suggested setting up a scheduled meeting with Business, Transportation & Housing, Department of Labor, Workforce Development, CDFA and on the Federal side, Ben Higgins of the Rural Development Agency. There are some innovative things being talked about and this goes back to our farm bill discussion and why there may be some significant dollars in the form of low interest loans or other kind of programs to address this concern for workforce and housing.

Al Montna commented that the Board held a hearing in Oceanside on farm worker housing and immigration and Board Member Luawanna Hallstrom is a nationally recognized expert in farm worker issues.

ACTION ITEM: Al to coordinate a meeting between Luawanna Hallstrom and Jim Lugg to discuss this concern for housing as it is being done on the East Coast with regard to providing affordable and attractive housing for farm workers.

Ed Kelly, Grower, EKT Farms

Mr. Kelly indicated that food safety and the integrity of their product became the number one priority among strawberry growers after the Texas quarantine of 1996 that impacted the entire country. By the time a scientific investigation was conducted and raspberries from Guatemala were found to be the source of the problem, \$50 million in losses were suffered by the strawberry industry.

Ten years ago, The California Strawberry Commission implemented a program to ensure food safety and good agricultural practices. To meet compliance standards, the small farmers have to do the work themselves but benefit from larger producers who make recommendations to improve food safety practices. Another source is the Western Institute for Food Safety and Security (WIFSS) to assist in making their product safer.

Mr. Kelly provided to the Board a document that outlines an actual ranch audit that was done by Davis Fresh Technologies that illustrated recommended changes to improve food safety and that were implemented. These audits become a way of life for the small farmer. The small farmer has a tremendous moral obligation to protect America's favorite fruit through food safety training, practices and inspection/third party audit certification.

Devon Zagory, Ph.D, NSF Davis Fresh

Mr. Zagory indicated that a new system of evaluation is being forged based on the matrix. Third party audits are common for all players in the produce industry. The third party audit came about several years ago after illness outbreak that affected a supermarket – Odwalla Apple Juice food safety problem (e-coli 0157). The resulting civil suit resulted in the determination that the supermarket was held liable. It was decided that supermarkets could no longer sell products without pre-knowledge of food safety practices performed at the supplier level. It has evolved over time so that most small and large supermarkets and food service organizations require third party audits of farms, harvest crews, coolers, packing sheds processing facilities, and distribution centers. The third party audit system in the produce industry has evolved in response to the concerns of the buyer. There has been no government oversight and no accreditation or standard criteria. The marketing agreement is one effort to

address this where some measurable benchmarks have been developed and an audit is being developed using these benchmarks.

Some important points:

- The matrix is a very good thing for the industry.
 - Everyone in the industry is going to adhere to them
- The matrix will provide a systemic measure to identify risk factors
- A tremendous base of information will be developed about the levels in coordination of food safety measures.

The matrix will not ensure the safety of all products. All the matrix should be expected to do is measure good agricultural practices, good manufacturing practices, and sanitation standard operating procedures, and third party audit verifying that our programs are working properly. Sampling is not a guarantee.

A regulatory based audit should not replace the third audit system and should encourage shared information.

Two suggestions:

- The problem with third party audit system is variability-establish a mechanism to establish baseline qualifications, criteria for auditors.
- A lot of information will come as we measure the matrix-it would be useful to have some means to organize this information (clearing house) and learn from and share this information to the benefit of all

Joe Pezzini, Grower and Chairman of the new Leafy Green Marketing Agreement

Joe Pezzini is Vice President of Operations for Ocean Mist Farms. Ocean Mist Farms is an 83 year old grower/shipper of produce (including spinach and artichokes). They farm in all the garden spot of California and Yuma, Arizona. He is also the chairman of the Grower/Shipper Association of Central California. He was chairman at the time of the spinach outbreak that occurred in September. As a result, he became the chairman for the Leafy Green Marketing Agreement and is here to brief the Board what has been done, what they are working on and where this is headed.

Mr. Pezzini indicated the program evolved very quickly, this is called a marketing agreement, but it has everything to do with food safety and much less to do with marketing. On February 10, 2007, Secretary Kawamura certified the marketing agreement and the Advisory Board met on February 23, and essentially has been meeting every week since then.

We have established three committees:

- The Executive Committee that is working on the budgeting, assessment, and is looking for an Executive Director to run the program.
- The Technical Committee that works with industry to accept the matrix, the good agricultural practices that are the building block of this program. They are also working with CDFA's Inspection Services on the verification program.
- The Communication Committee which is charged with the use of design of the mark (seal), an education outreach program, and a crisis management program.

First and foremost, the program accepted the industries good agricultural practices (GAP) standards, commonly referred to as the matrix, on March 16. These are what the Farm Bureau and Western Growers have vetted throughout the State. It is important to note the Advisory

Board does not make the matrix, they ask the question, “Are the industry standard presented verifiable?” If verifiable, the program can be built around that. We’ve established an assessment of .02 cents a box (24 count carton equivalent) and a per pound rate for processing product. We approved a budget of \$4.2 million based on these assessments. We’ve approved the use of a mark (seal of approval). One is a mandatory service mark for bills of lading and a certification mark (voluntary) for packaging. A website has been established: www.caleafygreens.ca.gov. The program is developing a decertification process and will be a big piece at the completion of the information audits. Crisis management will be critical to the program.

Future goals:

- Standardized audits
- Outreach to other states & countries

Mark Murai, President, California Strawberry Commission

Mr. Murai indicated that commissions and associations are important to food safety. They add a body that can represent the industry and speak with one voice. In 1955, The California Strawberry Advisory Board was formed and has evolved from marketing and research to handling public policy and food safety. Food safety is the number one strategy. If a commission is tracking the needs of its members and evaluating value, it is tremendously strong and powerful for the growers. In 1991, The California Strawberry Commission implemented an emergency contingency plan. This was followed by a comprehensive quality assurance program which is the GAP program for the California Strawberry industry. One of the biggest issues facing the industry today is to effect culture change as farmers. Food safety has never been in the vocabulary as it is today. To address this, the California Strawberry Commission put together a 90-day initiative to affect the grower at the field level to breed food safety into normal every day practices and to ensure employees ensure and apply food safety standards and compliance. The California Strawberry Commission is conducting a short survey of over 600 growers to assess what problem areas of food safety there are. From this survey programs will be developed to address these problem areas.

A Food Safety Summit Conference was held in Monterey and 97% of the industry attended to talk with federal, state, county officials, and regulators about food safety and what the needs are to develop a tool kit to immediately effect change in the field. A goal is to fund research for the food safety initiative.

Steve Patricio, President, West Side Produce

Steve Patricio is the chairman of the California Cantaloupe Advisory Board (which is a marketing order). He is also the chairman of Western Growers. His comments today (also submitted in writing) have three purposes:

- What cantaloupe’s have been doing for food safety
- To ask the Board and CDFA to do certain things for the cantaloupe industry for the future.
- Provide his opinion of what the Board should be doing in the best interest of the agricultural industry and the public of the State of California.

The California Cantaloupe Board and the California Melon Research Board are state marketing orders that operate under the authority and oversight of the California Department of Food and Agriculture. The activities of the Board, including all the costs of the state oversight, are funded solely by the producers and handlers through a self-assessment fee structure.

In February 2004, the FDA (by letter) stated that cantaloupes are one of 5 produce commodities of great concern with regard to food safety. It is very important to note that cantaloupes produced in California had never been implicated in a food-borne illness outbreak. However, the California Cantaloupe industry had been severely impacted economically by the release of government concerns and warnings and as well as media misrepresentation regarding food-borne illness outbreaks associated with cantaloupes from other growing areas. Not different from other commodities. Beginning many years prior to this letter, the California Cantaloupe Producers and Handlers had taken a leadership role in food safety research and the development of commodity specific guidance. An example of this focus, in 1997, a food safety committee was added to the standing committee structure of the handler's marketing order. This committee was directed to establish a program with research behind it to address food safety in California Cantaloupes to include: handlers' practices, grower outreach, research, media, and crisis management. Beginning 1999, the California Cantaloupe Advisory Board and the California Melon Research Board has taken a broad approach to research applying modern microbiological methods and technology to address areas in production and handling from the farm through the shipping point. The program that was started had three distant points:

- Multi-year science based research program was begun with Dr. Trevor Suslow and Dr. Linda Harris through the University of California at Davis. The research was a comprehensive study of melons and microbial pathogens using the most up to date science available.
- During the six years of research, the industry engaged researchers from the University of California, Davis to sample California cantaloupes for Salmonella from the field through the shipping point.
- In conjunction with the research and the sampling, Dr. Suslow and his staff have been given complete access to the California industry to review and understand all the handling practices currently in place. This analysis was undertaken to allow the development of Best Management Practices for California cantaloupes, which was published by UC Davis in 2005.

In 2002, the California Cantaloupe Board added "Trace Back" to its mandatory inspection program. Along with the mandatory quality Certification Stamp, all handlers are required to have a verifiable trace back code adhered to every box shipped.

In response to the 2004 FDA letter, the melon industry was the first commodity to complete commodity specific guidance for farmers and handlers. The food safety committee of the California Board and the UC Davis research and Best Management Practices were key components in the development of the Commodity Specific Guidance, which was published in the spring of 2006.

The California Cantaloupe Advisory Board has worked with scientists to examine regional differences and growing practices between California and production areas which have been associated with food borne illness outbreaks:

- California's hot, arid summers and careful field preparation and irrigation methods used by farmers keep the cantaloupes dry which ensures the melon rind develop properly. Research has shown that the cantaloupe rind is an impenetrable barrier to microbial intrusion.
- Harvesting techniques in California are also unique. While other areas must primarily rely on "shed-packing" to clean the fruit prior to packaging; most California cantaloupes are harvested and packed in the field or in sheds without water flumes or

washes. These methods ensure that the cantaloupes are handled as little as possible thereby lessening the likelihood of exposure to harmful microbes or bacteria.

Despite an impressive food safety track record, regional growing differences, and climate that lessen the chances for a food borne illness outbreak, ***the California Cantaloupe Advisory Board has asked the California Department of Food and Agriculture to modify its marketing order. The modification would allow the Cantaloupe Advisory Board to verify handler's compliance with the commodity specific guidance through government inspections. This request for increased regulation through mandatory compliance with commodity specific guidance and verification through the marketing order was made to the California Department of Food and Agriculture in January 2007.***

While the California Cantaloupe Advisory Board would not oppose federal government regulation of its commodity, the marketing order structure allows a quick and effective regulatory “fix” and provides the flexibility to develop food safety standards specific to growing conditions for melons in California. In addition, this structure would allow for these standards to be amended whenever new science and research warrants change. According to CDFA representatives, a change to the marketing order to include food safety oversight could be in place within 12 to 18 months. However, as the agricultural industry has seen, the California Leafy Greens Marketing Agreement was in place within only four months.

The California Cantaloupe Advisory Board has shown throughout its history that it is committed to be part of developing food safety solutions and the Board would be willing to work with government agencies to develop federal regulations to be administered on a national level. However, this takes time, lots of time. And, time is precisely the reason that the modification of the marketing order was requested by the Cantaloupe Board. The Board believes that this food safety modification to the marketing order is the best and fastest way to further reduce the risk of food borne illness in California cantaloupes. The Board looks forward to working with the California Department of Food and Agriculture and agriculture to expedite the request for modification of the marketing order.

In addition to the Cantaloupe Boards requested modification; ***it is my belief that the State Board of Food and Agriculture should aggressively work with CDFA and the Governor to empower the Marketing Branch to regulate food safety for growers, handlers, and processors. I strongly believe that the Department would best serve the industry and the public of the State of California by focusing its attention on food safety.*** The industry has demonstrated its ability to work together to produce a solution to the current food safety crisis. The Marketing Branch has a clear history of regulating industry. What better ultimate solution than the Marketing Order/Marketing Agreement template of: industry led stakeholders working with government to create practical solutions, with government verification and oversight, paid for by industry.

President Montna asks Steve to reiterate: he responded by saying he wanted to give the Board a history of what the Cantaloupe Board has been doing and thank CDFA and the Marketing Branch for all they have been doing in research and quality standards. We are asking CDFA to allow us to amend our marketing order to do food safety. Currently, the marketing agreements aren't allowed to do food safety and the State Board needs to work with CDFA and with the Governor's office because we may need changes in the law. If food safety is our direction, we do not have a current vehicle to do food safety. Using CDFA Marketing Branch system of marketing orders/agreements is the perfect solution for food safety. The three most important points are:

- *It's industry developed with government oversight*

- *It provides for government verification and compliance*
- *And, thirdly, it is paid for by industry*

We have the mechanism, we need some law change. There are real issues and currently we are doing food safety on the sly. It is in the open, but we need to do whatever we need to do to modify our laws and regulations to allow food safety to be a focus of what we do.

Steve commented: In his role with Western Growers, the Board voted unanimously to pursue the marketing agreement as the most expeditious way to start food safety in leafy greens, but the second component was to then change the market agreement or somehow enhance the agreement to make it mandatory. There is a difficulty with that in the law.

Secretary Kawamura asked if this suggestion is commodity by commodity? Steve answered yes. The authority should rest somewhere within the Marketing Branch to do food safety and then each of the commodities would have to formulate and come up with their matrix and best management practices with that same government oversight and verification paid for by the industry.

President Montna inquired would cantaloupe be the test case? Steve responded: quite honestly, we made our request knowing that leafy green was going to be doing it. If leafy green can move, we are waiting to follow. Leafy green is the best template right now.

Steve responded that the Department has regulations using laws from the 1930's that they are trying to operate under and we are worried about the scrutiny about the legislation and criticism of what we are doing. The Department in and of itself can't get this done it needs industry to recognize the issue. The charter of the State Board has a responsibility to strengthen the industry while protecting the safety of California consumers, what then, is more important than food safety?

How long will it take to ramp in inspectors? When we started the California Cantaloupe Advisory Board, we did it as a quality standard and created a US 1 standard and we had to use USDA inspectors to certify USDA. We suddenly found out there was a heavy cost with USDA to use the USDA designation. We were able to use the same standard and just change the name from US 1 to Westside 1 and we were able to get it done with the help of the county agricultural commissioner's help at less than half the cost.

John Dyer provided his perspective and comments on the Leafy Green Marketing Agreement.

President Montna: Steve, you have just heard Chief Counsel say the Marketing Branch said you could do it and it will take a while. You have asked the State Board to help get this process going. What actions are you thinking having been told that?

Steve responded by thanking John Dyer and agrees with what he said. I want it to be known by this body what we face and its back to, is the ultimate solution better than the cost of getting? Yes, we have these hurdles to jump and issues to deal with and maybe we should do it as a board based authority.

President Montna would like to ask a committee of the State Board to work with the Cantaloupe Board, the Department, the Secretary and John Dyer to see if we can ferret this out and come back with some recommendations. And, if Bill Moncovich will chair a committee of Board members: Tom Deardorff and Wayne Bidlack to ferret this out so that we can fully vent it and come back to the Cantaloupe Board with a response, answer, and/or resolution or recommendation for the Department and the Governor for this issue.

Secretary Kawamura thanked Steve for coming forward and recognizing that leadership from many commodities throughout the State. There are a lot of commodities moving forward in the arena of food safety including (but not limited too) the Almond Board and the Tomato industry. We have strategic, opportunistic, and crisis planning and we all know crisis planning is not where we want to be. For those of you who are not currently embroiled in an outbreak, this strikes me as opportunistic planning with short strategic planning in trying to get ahead of it. We are committed to work with you to see what solutions sets and options we can come up with and to use the committee to provide options that you can then take back to the Cantaloupe Board.

Another item of business:

The Board was asked by the Dairy Industry to look at the delicate issue of the quota system that the Dairy Industry has in milk production. We were asked by the industry to recommend a committee to the Secretary. The Secretary appoints the committee to look into the quota system. The Board agreed to do this and have a committee that we like to announce:

- Ann Bacchetti-Silva, Chair
- Richard Shehadey
- Dennis Leonardi
- Peter Vanderpol
- Ray Veldhuis
- Brad Scott
- Steve Maddock
- Frank Konym
- Frank Faria
- Ben Curti
- Dominic Carinalli

Perhaps one or two additions will be made to the list of members.

MOTION: President Montna, Mr. Secretary we would like to offer this committee to you with our strong recommendation that not until the process, the guidelines, and the direction are clearly and solidly defined and in place do you put this committee into action. And, to use CDFA senior staff including John Dyer and George Gomes (or senior staff of your choice) to work with Ann Silva to provide strong Departmental guidance. The motion was seconded by Board Member Ashley Boren and a unanimous vote carried the motion.

(6) COMMENTS FROM THE PUBLIC

(7) CLOSING COMMENTS AND ADJOURNMENT

With no further business before the Board, the meeting was adjourned at approximately 5:00 p.m.